

ARRANGED TO  
PAY HAY MONEY

Peter Mortensen's Alleged Admission to a Neighbor.

## DAMAGING TESTIMONY GIVEN

WIDOW OF MURDERED MAN GOES ON STAND TODAY.

A NEIGHBOR and friend of the accused went on the stand yesterday and testified, in substance, that Peter Mortensen confessed to him that he made arrangements with James R. Hay, after they had left Ernest Romney, to come to his house and collect the money due the lumber company on the night of Dec. 16. It is the hardest blow by far that the state has yet administered, and the moment was critical, as the defendant, who paled perceptibly, and sat as though transfixed when the statement was made. It was a complete surprise, and fell like a thunderbolt into the Mortensen circle.

The witness who gave the damaging testimony is William A. Morton, a printer by occupation, and a resident of Forest Dale. He visited Mortensen at the police station shortly after his arrest. In the course of their interview, according to his testimony, he called Mortensen's attention to a newspaper story in which the defendant was quoted as saying that "Hay" came to his house, "must" to my surprise, and wanted the money that night. Mortensen interrupted his visitor at this juncture and exclaimed:

"I never said that. I knew Hay was coming over that night, for I arranged for him to come over and get the money."

Possibility of Being Overheard. The witness said he then asked Mortensen if he didn't think somebody might have heard what he said to Hay about the money, and Mortensen replied: "I don't know, but I hardly think so."

Attorney B. J. Stewart attacked the witness on cross-examination, and drew a great deal of confusion from him. Mortensen was not absolutely sure that Mortensen used the words "that night" in his exclamation.

This testimony was the sensation of the day, although the proceedings all through were more interesting than usual. The cross-examination of Mr. Romney was concluded without special incident, and the state had two witnesses besides the witness of the stand. They were Henry A. Rice, a contractor by whom it was shown that Mortensen was at home at 8:40 on the night of the tragedy, and R. J. Jessup, a newspaper reporter, who is expected to bring the interview which figured in Mortensen's testimony, and which, the witness said, was authorized and approved by the defendant before it went into print.

The state is expected to bring the evidence can be connected with the link, and interest increases at every session. The court room was crowded nearly all day yesterday.

Mrs. Hay to Testify. Mrs. James R. Hay will take the stand at 10 o'clock this morning for the state. It is expected that a contest will occur over every statement the prosecution attempts to draw from the wife of the murdered man.

George A. Whitaker, a sister of Mr. Hay, was expected to take the stand yesterday in the court room, occupying a seat next to District Attorney Elchorn.

The first half hour of the trial yesterday morning brought on a steady tilt between District Attorney Elchorn and Attorney B. J. Stewart. The latter had resumed the cross-examination of Mr. Romney, and was apparently trying to prove by a series of questions that he had suspected Mortensen of having something to do with Hay's disappearance from the way station. Mortensen insisted that he had a right impression of the man, and that he could be called a suspicion.

"Then, when you said at the preliminary that you had no suspicion at all, you didn't tell the truth, did you?" asked Mr. Elchorn.

"I don't want any explanation,"—"In other words, you don't want the state to put in the district attorney,"—"The cause of the confusion brought Mr. Stewart to his feet with protests and exceptions to the district attorney's statements before the jury that the defense was trying to hide the facts."

"When Mr. Stewart said I said that he states what is not true," said Mr. Elchorn.

The objection was renewed on the ground that Elchorn's statement was that the purpose of the testimony was to show that Mortensen was not a suspect. The exception was noted and the examination resumed, after the court had directed the jury to forget remarks belonging outside of the case.

Mr. Stewart read from the transcript of the preliminary examination, and apparently tried to confuse the jury regarding his testimony at that time and at the present trial. After reading for thirty minutes the attorney was interrupted by the court, who asked the purpose of it. Mr. Stewart replied that it was to show contradictory statements in Romney's testimony.

"Then confine yourself to those portions you contend are contradictory," admonished the court.

Cancellation of Notes. The attorney then reverted to Romney's statement that all notes paid to the company were cancelled. He produced a note for \$300, August, 1898, which had not been so marked. Mr. Romney said he had handled that note, and admitted that the manner of receipting it was somewhat different than usual, although there were memorandums on the back of the note showing the payment of interest on various dates.

Tuesday evening at the Deseret National bank Romney said he told Mortensen that suspicion was pointing strongly towards him.

"What caused you to change your mind against him so suddenly?"—"Romney went on to say, 'Everybody was whispering about it.'"

"Mr. Romney, did you not have a conversation with W. W. Ritter on Tuesday?"—"I might have."

"Now, did not W. W. Ritter tell you that if you didn't stay away from Peter Mortensen there would be suspicion implicating you with Mortensen in the disappearance of James R. Hay?"—"No, sir."

"Didn't James Sharp tell you that?"—"No, sir."

"Didn't your brother, George Romney, tell you that—warn you against Peter Mortensen?"—"No, sir."

Not Hostile to Mortensen. Romney denied that he had ever told Mrs. Hay, mother of the murdered man, that he had absolute confidence in Mortensen and knew him to be innocent of the charge against him. He denied that he ever was hostile towards Mortensen. The district attorney then took the witness for re-direct examination.

When Mrs. Mortensen said on that Tuesday afternoon that the money had been paid to Hay, did she say she had seen it paid?"—"No, sir; she did not."

At 3 o'clock Mr. Romney left the stand, having been under examination two days, ten hours actual time. Mr. Elchorn asked the privilege of recalling the witness later.

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Mr. Stewart cross-examined: "Why did you go there?"—"To collect a small bill for labor."

"Did you get it?"—"No."

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Mr. Stewart then asked Rice if Mortensen did not tell him he wouldn't give him the money due him, because his contract was not finished. He replied affirmatively.

On re-direct examination, Rice said Mortensen and he stood up in the kitchen while they were talking, the defendant looking out of the window.

"If you know of any reason why he did not invite you to take a seat, you may state it."

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